

State of South Dakota

SEVENTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2003

347I0381

SENATE BILL NO. 111

Introduced by: Senators Napoli, Apa, Bogue, de Hueck, Dennert, Duenwald, Duxbury, Greenfield, Kleven, Koskan, Sutton (Dan), Sutton (Duane), and Vitter and Representatives Rhoden, Bartling, Begalka, Burg, Elliott, Frost, Fryslie, Hundstad, Lange, LaRue, Lintz, Putnam, and Valandra

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions providing for the review of
2 county overweight vehicle enforcement programs.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-22-31.3 be repealed.

5 ~~— 32-22-31.3. The secretary of the Department of Transportation shall, not less than~~
6 ~~semi-annually, review the performance of each county's program of overweight vehicle~~
7 ~~enforcement and shall certify a list of those counties whose enforcement programs are~~
8 ~~unsatisfactory. In reviewing each county's enforcement program, the secretary shall consider the~~
9 ~~following factors:~~

10 ~~— (1) — Whether the county has requested that the Division of Highway Patrol assist in the~~
11 ~~enforcement of that county's spring or other posted load limits;~~

12 ~~— (2) — The diligence of that county in enforcing in court to the fullest extent possible all fines~~
13 ~~authorized by chapter 32-22 without plea bargaining or reducing statutory fines or~~
14 ~~civil penalties;~~



1 ~~— (3) — The effort of local law enforcement agencies to enforce chapter 32-22 on the roads~~
2 ~~of that county; and~~

3 ~~— (4) — Such other factors as the secretary may deem appropriate after consultation with the~~
4 ~~state associations for county sheriffs, county commissioners, state's attorneys, and~~
5 ~~county highway superintendents and with the Division of Highway Patrol.~~

6 ~~— The secretary may not find any county's program to be unsatisfactory unless the secretary has~~
7 ~~given the county a written specification of the county's program deficiencies at least thirty days~~
8 ~~before the unsatisfactory certification.~~

9 ~~— For any county whose overweight vehicle enforcement program is certified by the secretary~~
10 ~~as unsatisfactory, the secretary may withhold or suspend for a period of one hundred eighty days~~
11 ~~all or any portion of any transfer of federal surface transportation funds and state funds otherwise~~
12 ~~authorized by § 32-11-35 to be distributed to such county. The Department of Revenue shall~~
13 ~~cooperate with the secretary in the administration of this section.~~